

**YES, IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**DECLARATION OF TIMOTHY M. FREY IN SUPPORT OF SMARTMATIC'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Timothy M. Frey, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned lawsuit.

3. Attached to Smartmatic's Memorandum of Law in Support of Its Motion for Summary Judgment are true and correct copies of the exhibits listed in the below Index.

The exhibits listed in the Index are exhibits cited in Smartmatic's Memorandum of Law in Support of Its Motion for Summary Judgment.

4. Native versions of video files shall be provided to the Court, as indicated in the Index.

INDEX OF EXHIBITS TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Exhibit No.	Description
1	June 11, 2024 Deposition of Michael J. Lindell
2	Declaration of Antonio A. Mugica
3	Nov. 19, 2020 New York Times, <i>Giuliani makes accusations of fraud that the Trump team has failed to support in court.</i>
4	Dec. 20, 2020 New York Times, <i>The 'Red Slime' Lawsuit That Could Sink Right-Wing Media</i>
5	December 10, 2020 retraction demand from Smartmatic to Fox News Network
6	<i>Smartmatic v. Fox</i> Complaint, Index No. 151136/2021 (Sup. Ct. N.Y.)
7	January 25, 2021 BuzzFeed News, <i>How "The Women For America First" Bus Tour Led To The Capitol Coup Attempt</i>
8	Defendant Michael J. Lindell's Original Answer, Counterclaims, And Third-Party Complaint, <i>U.S. Dominion, Inc., et al. v. MyPillow Inc., et al.</i> , Case No. 1:21-cv-00445-CJN (D.D.C.)
8(a)	Memorandum Opinion on Dominion's Motion to Dismiss, Smartmatic's Motion to Dismiss, and Smartmatic's Motion for Rule 11 Sanctions, <i>U.S. Dominion, Inc., et al. v. MyPillow Inc., et al.</i> , Case No. 1:21-cv-00445-CJN (D.D.C.)
8(b)	Docket, <i>U.S. Dominion, Inc., et al. v. MyPillow Inc., et al.</i> , Case No. 1:21-cv-00445-CJN (D.D.C.)
9	February 5, 2021 <i>Absolute Proof</i> documentary Video of full broadcast (provided to the Court in native form)
10	April 3, 2021 <i>Scientific Proof</i> documentary Video of full broadcast (provided to the Court in native form)
11	April 22, 2021 <i>Absolute Interference</i> documentary Video of full broadcast (provided to the Court in native form)
12	June 5, 2021 <i>Absolutely 9-0</i> documentary Video of full broadcast (provided to the Court in native form)
13	February 6, 2021 <i>War Room</i> podcast video Video of full podcast appearance (provided to the Court in native form)

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	form)
14	March 26, 2021 <i>War Room</i> podcast video Video of full podcast appearance (provided to the Court in native form)
15	April 9, 2021 <i>War Room</i> podcast video Video of full podcast appearance (provided to the Court in native form)
16	May 3, 2021 <i>War Room</i> podcast video Video of full podcast appearance (provided to the Court in native form)
17	May 8, 2021 <i>War Room</i> podcast video Video of full podcast appearance (provided to the Court in native form)
18	February 8, 2021 <i>Real America with Dan Ball</i> broadcast Video of full TV appearance (provided to the Court in native form)
19(a)	February 11, 2021 <i>A Screening and Conversation of Absolute Proof</i> documentary screening, Part 1 Section of full broadcast (provided to the Court in native form)
19(b)	February 11, 2021 <i>A Screening and Conversation of Absolute Proof</i> documentary screening, Part 2 Section of full broadcast (provided to the Court in native form)
19(c)	February 11, 2021 <i>A Screening and Conversation of Absolute Proof</i> documentary screening, Part 3 Section of full broadcast (provided to the Court in native form)
20	February 24, 2021 <i>The Pete Santilli Show</i> podcast video Video of full podcast appearance (provided to the Court in native form)
21	March 30, 2021 <i>Eric Metaxas Radio Show</i> podcast video Video of full broadcast (provided to the Court in native form)
22	April 1, 2021 <i>Indivisible with John Stubbins</i> podcast video Video of full podcast appearance (provided to the Court in native form)
23	April 8, 2021 <i>USA Watchdog with Greg Hunter</i> podcast video Video of full podcast appearance (provided to the Court in native form)
24	May 3, 2021 <i>OANN Newsroom with Pearson Sharp</i> broadcast Video of full TV appearance (provided to the Court in native form)
25(a)	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture, First Segment Video clip of defamatory segment (provided to the Court in native form)

Exhibit No.	Description
25(b)	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture, Second Segment Video clip of defamatory segment (provided to the Court in native form)
25(c)	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture, Third Segment Video clip of defamatory segment (provided to the Court in native form)
26	Reasoned Decision and Final Award, American Arbitration Association Commercial Arbitration Tribunal, Case No. 01-21-0017-1862, <i>Zeidman v. Lindell Management, LLC</i>
27	Aug. 21, 2022 Springfield News-Leader, <i>Majorie Taylor Greene speaks, and other takeaways from Mike Lindell’s Springfield event</i>
28	Aug. 17, 2022 The Daily Beast, <i>Mike Lindell’s Wacky New Way to Fight Vote Fraud Might Get You Arrested</i>
29	February 5, 2021 <i>Absolute Proof</i> documentary Certified transcript
30	Declaration of Dr. Jonah Berger
31	September 12, 2023 Deposition of Dawn H. Curtis
32	June 18, 2024 Deposition of Darren M. Lindell
33	February 6, 2021 <i>War Room</i> podcast video Certified transcript
34	February 8, 2021 <i>Real America with Dan Ball</i> broadcast Certified transcript
35	February 11, 2021 <i>A Screening and Conversation of Absolute Proof</i> documentary screening Certified transcript
36	February 24, 2021 <i>The Pete Santilli Show</i> podcast video Certified transcript
37	March 26, 2021 <i>War Room</i> podcast video Certified transcript
38	March 30, 2021 <i>Eric Metaxas Radio Show</i> podcast video Certified transcript
39	April 1, 2021 <i>Indivisible with John Stubbins</i> podcast video Certified transcript
40	April 3, 2021 <i>Scientific Proof</i> documentary Certified transcript
41	April 8, 2021 <i>USA Watchdog with Greg Hunter</i> podcast video Certified transcript
42	April 9, 2021 <i>War Room</i> podcast video Certified transcript

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43	April 22, 2021 <i>Absolute Interference</i> documentary Certified transcript
44	May 3, 2021 <i>War Room</i> podcast video Certified transcript
45	May 3, 2021 <i>OANN Newsroom with Pearson Sharp</i> broadcast Certified transcript
46	May 8, 2021 <i>War Room</i> podcast video Certified transcript
47	June 5, 2021 <i>Absolutely 9-0</i> documentary Certified transcript
48	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture, First Segment Certified transcript
49	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture, Second Segment Certified transcript
50	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture, Third Segment Certified transcript
51	FrankSpeech.com, Cyber Symposium Web Stream
52	January 4, 2023 <i>Updates On The Smartmatic Lawsuit and The Cast Vote Records</i> , Frankspeech.com Certified transcript
53	Declaration of Tammy Patrick
54	Declaration of Dr. Alan T. Sherman
55	Deposition Exhibit 623 November 30, 2020 CBS News, <i>Fired Director of U.S. Cyber Agency Chris Krebs Explains Why President Trump’s Claims of Election Interference Are False</i>
56	Deposition Exhibit 624, December 1, 2020 Associated Press, <i>Disputing Trump, Barr says no <u>widespread election fraud</u></i>
57	Deposition Exhibit 630, DEF004727–28, February 4–5, 2021 Correspondence Between Michael J. Lindell and Counsel for Dominion Documents produced by Defendants
58	July 14, 2023 Deposition of Jessica J. Maskovich
59	[Omitted]
60	August 27, 2024 Fed. R. Civ. P. 30(b)(6) Deposition of Michael J. Lindell
61	Deposition Exhibit 641, DEF082645.000056–36, Text Message Exchange between Mike Lindell and Darren Lindell Document produced by Defendants

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62	August 24, 2023 Deposition of Todd L. Carter
63	Excerpt from Deposition Exhibit 437, DEF034384.000084, Text Message Exchange Between Mike Lindell and Dawn Curtis Document produced by Defendants
64	Defendants' Reply to Plaintiffs' First Set of Requests for Admission
65	ECF No. 52, Order on Motion to Dismiss
66	ECF No. 20, Memorandum of Points and Authorities in Support of Defendant Michael J. Lindell's Motion to Dismiss
67	Los Angeles County Final Official Canvass Election Returns, November 3, 2020 General Election
68	California Secretary of State, <i>Supplement to the Statement of Vote November 3, 2020: General Election Statewide Summary by County for President</i> , Nov. 3, 2020, https://elections.cdn.sos.ca.gov/sov/2020-general/ssov/pres-summary-by-county.pdf
69	MIT Technology Review, <i>US election official: Trump's misinformation is dangerous and lacks any credibility</i> , November 13, 2020, https://www.technologyreview.com/2020/11/12/1012115/senior-us-election-official-trumps-misinformation-is-insulting/
70	Blaze, Matt, et al, <i>Scientists Say No Credible Evidence of Computer Fraud in the 2020 Election Outcome, But Policymakers Must Work with Experts to Improve Confidence</i> , November 16, 2020, https://www.cs.utexas.edu/~hovav/dist/election-statement.pdf
71	Excerpt from H. Rept. No. 117-663, <i>Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol</i> , December 22, 2022, https://www.govinfo.gov/app/details/GPO-J6-REPORT
72	Nov. 16, 2020 Smartmatic press release, <i>Smartmatic Fact-checked</i>
73	SMARTMATIC-LINDELL00017735 Document produced by Smartmatic
74	SMARTMATIC-LINDELL00018425 Document produced by Smartmatic
75	SMARTMATIC-LINDELL00018530 Document produced by Smartmatic
76	SMARTMATIC-LINDELL04945532 Document produced by Smartmatic
77	SMARTMATIC-LINDELL04945596 Document produced by Smartmatic
78	Defendant My Pillow, Inc's Fourth Supplemental Answers and Objections to Plaintiffs' Second Set of Interrogatories
79	June 19, 2024 Deposition of James M. Furlong

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80	Deposition Exhibit 96, DEF036085.000037–38, Text Message Exchange between Mike Lindell and Jessica Maskovich Document produced by Defendants
81	Deposition Exhibit 21, DEF026793, February 28, 2021 Email Exchange between mediainquiry@mypillow.com and Kim Rasmussen Document produced by Defendants
82	DEF009449, July 30, 2021 Email Exchange Between Brad Carlon and Bob Sohns Document produced by Defendants
83	Deposition Exhibit 666, DEF1127863, October 5, 2021 MyPillow Board Meeting Minutes Document produced by Defendants
84	[Omitted]
85	DEF116721, February 10, 2021 Email Exchange Between Todd Carter, Darren Lindell, and Jessica Maskovich Document produced by Defendants
86	Deposition Exhibit 562, National Intelligence Council, Declassified <i>Report on Foreign Threats to the 2020 US Federal Elections</i>
87	Deposition Exhibit 347, DEF03186, July 14, 2021 Email Exchange Between Janet Lynn, Kurt Olsen, Todd Carter, and Mike Lindell Document produced by Defendants
88	DEF002434, January 18, 2021 Email Exchange Between Mike Lindell and Bob Roepke Document produced by Defendants
89	Deposition Exhibit 412, DEF006566, February 5, 2021 Email Exchange Between Dawn Curtis and Beth Schoeneberg Document produced by Defendants
90	Deposition Exhibit 100, DEF015183, February 5, 2021 Email from Dawn Curtis to Liz Willis Document produced by Defendants
91	Deposition Exhibit 427, DEF015184, February 5, 2021 Email from Dawn Curtis to lee@lifechangingradio.com Document produced by Defendants
92	Deposition Exhibit 428, DEF016633, February 5, 2021 Email from Dawn Curtis to shilohtc@gmail.com Document produced by Defendants
93	Deposition Exhibit 422, DEF016634, February 5, 2021 Email from Dawn Curtis to Mike Pooler Document produced by Defendants
94	Deposition Exhibit 420, DEF016635, February 5, 2021 Email from

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	Dawn Curtis to Woody Zimmerman Document produced by Defendants
95	Deposition Exhibit 414, DEF016737, February 5, 2021 Email from Dawn Curtis to Kip Kuroski Document produced by Defendants
96	Deposition Exhibit 421, DEF018055, February 5, 2021 Email from Dawn Curtis to Annie Marie Delgado Document produced by Defendants
97	Deposition Exhibit 418, DEF018146, February 5, 2021 Email Exchange Between Dawn Curtis and Kathleen Bensi Document produced by Defendants
98	Deposition Exhibit 426, DEF019435, February 5, 2021 Email from Dawn Curtis to Patrick Coffin Document produced by Defendants
99	Deposition Exhibit 415, DEF019495, February 5, 2021 Email Exchange Between Dawn Curtis and Nick Brino Document produced by Defendants
100	[Omitted]
101	Deposition Exhibit 424, DEF020883, February 5, 2021 Email from Dawn Curtis to aaronimholteradio@gmail.com Document produced by Defendants
102	Deposition Exhibit 419, DEF022390, February 5, 2021 Email from Dawn Curtis to Caleb Svendsen Document produced by Defendants
103	Deposition Exhibit 413, DEF022482, February 5, 2021 Email Exchange Between Jerry Schesso and Dawn Curtis Document produced by Defendants
104	Deposition Exhibit 425, DEF025202, February 5, 2021 Email from Dawn Curtis to Sara Carter Document produced by Defendants
105	Deposition Exhibit 423, DEF025203, February 5, 2021 Email from Dawn Curtis to Mark Anthony Document produced by Defendants
106	Deposition Exhibit 417, DEF025299, February 5, 2021 Email Exchange Between Dawn Curtis and shilohtc@gmail.com Document produced by Defendants
107	Deposition Exhibit 443, DEF014307, March 31, 2021 Email from Dawn Curtis to Steve Dubbels Document produced by Defendants
108	Deposition Exhibit 445, DEF030240, March 31, 2021 Email Exchange Between Dawn Curtis and Mark Blatterfein

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	Document produced by Defendants
109	[Omitted]
110	Deposition Exhibit 102, DEF023077, July 30, 2021 Email Exchange Between Dawn Curtis and InfoWars Document produced by Defendants
111	Deposition Exhibit 451, DEF017531, April 21, 2021 Email Exchange Between Katelyn Gamlin, Dawn Curtis, and Pete Santilli Document produced by Defendants
112	Deposition Exhibit 97, DEF015836, November 16, 2021 Email Exchange Between Darren Lindell, Jazmin Kampen, David Grapentine, Alex Ullmann, and David Lawrence Document produced by Defendants
113	February 5, 2021 <i>Absolute Proof</i> documentary Video clip (provided to the Court in native form)
114	February 6, 2021 <i>War Room</i> podcast video Video clip (provided to the Court in native form)
115	February 8, 2021 <i>Real America with Dan Ball</i> broadcast Video clip (provided to the Court in native form)
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123	May 8, 2021 <i>War Room</i> podcast video Video clip (provided to the Court in native form)
124	August 10–12, 2021 Mike Lindell’s Cyber Symposium livestream video capture Video clip from Exhibit 25(a) (provided to the Court in native form)
125	March 30, 2021 <i>Eric Metaxas Radio Show</i> podcast video Video clip (provided to the Court in native form)
126	April 1, 2021 <i>Indivisible with John Stubbins</i> podcast video

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	Video clip (provided to the Court in native form)
127	April 8, 2021 <i>USA Watchdog with Greg Hunter</i> podcast video Video clip (provided to the Court in native form)
128	January 4, 2023 <i>Updates On The Smartmatic Lawsuit and The Cast Vote Records</i> , Frankspeech.com Video clip of defamatory segment (provided to the Court in native form)
129	Deposition Exhibit 660, SMARTMATIC-LINDELL00000006, SMARTMATIC-LINDELL00000031, SMARTMATIC-LINDELL00000060, MyPillow Warehouse Inspection Photos

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Timothy M. Frey

Executed on November 13, 2024